

A *Fountayne (John)*
Dean, etc

R E P L Y

TO THE

A N S W E R

TO A

L E T T E R

Lately addressed to the

DEAN of YORK.



Y O R K:

Printed in the Year MDCCLIX.

[Price Six-Pence.]

Casart

REPLY

TO THE

ANSWER

TO A

DEBATE

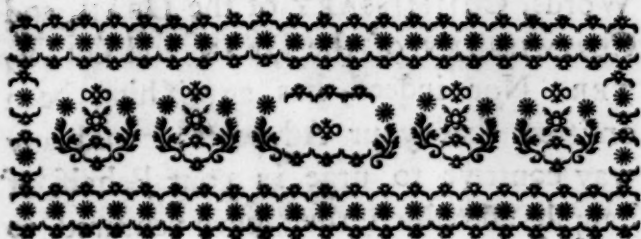
Between the

DEANS OF YORK



Printed in the Year MDCCLXII

[Price Six-Pence]



A

REPLY to the ANSWER, &c.

Reverend Sir,

S your Friends had long ago thought proper to assert, That you was ready and prepared with your ANSWER, before you was acquainted either with the whole of your Charge, or in what Manner it was supported: This, however extraordinary it might appear, will now readily be believ'd by those, who have perused a late notable Performance, *the Child and Offspring of many Parents*. Correcting, Revising, Ornamenting, and Embellishing, have been displayed in great Perfection; and *many happy Changes* have been rung upon the

A Words,

Words, COMMISSARY of the DEAN, and COMMISSARY of the DEAN and CHAPTER: Nor indeed has any Thing been omitted that your Advocates could any way contrive to urge in your Behalf, if happily all which they have ventured to say, could have been said with a stricter Attention to *Truth*, and a greater Appearance of *Reason*.

However, you must now give me Leave to throw aside *all these Colourings and Embellishments*, and to recall your Attention, and that of our Readers, to some few CAPITAL FACTS, which are principally the Matters in Dispute between you and Dr. Topham. These are stated in the former LETTER *addressed to you*, to be, That you had promised the Doctor the Patent in your Gift, as Dean of York, *which Promise you had denied*; that you had promised him your *Vote and Interest* in the Patent in the *Disposition of the Dean and Chapter*, *which Vote and Interest you had not given him*; and, that the Doctor's CIVIL LETTER to you, and UNCIVIL LETTER of you, did not bear Date the *same Day*.

The

The first Place where this Denial was said to be given, was at a Sessions Dinner at the late Mr. *Woodhouse's*; where several of the Gentlemen then present, have been pleased to certify, That the Denial you then gave, *to the best of their Remembrance and Belief*, related to the *Commissaryship* of the *Dean and Chapter*; and that the Doctor (*who now appears to have been in Possession of a Letter of yours acknowledging a Promise of what was yours to give*) never thought proper *once* to mention this: But that the whole Conversation, betwixt you and the Doctor, turned entirely upon a *Commissaryship*, *which was most clearly not yours to bestow*, and where you was only ONE of the Patrons in Conjunction with THIRTY other People.

It is not said that Mr. *Sterne*, or any other Person whatsoever, could affirm, They had heard the Doctor charge the Dean with a Promise in its own Nature so very extraordinary; and which, if the Doctor had really been so WEAK, as well as WICKED, as to have charged the Dean with making, *his own Character*, and not that of the *Dean's*, must have suffered by telling

such a Tale; as, to every Person to whom it was told, this must have immediately occurred, Surely this can never be; the Doctor is charging the Dean with making him a Promise of what was not his to give.

However, a Letter from the Doctor to the Dean, with what is *called* the DEAN'S ANSWER, were *produced by the Dean* and read; but, unhappily in this Letter, the Doctor clearly shews that he understood (what indeed required a small Portion of common Sense to understand) That there were OTHER PEOPLE besides the Dean, to whom this Affair was to be *mentioned*: For the Doctor, in this Letter, seeming to take it for granted (what he had good Reason to do, as will hereafter be shewn) that he had the Dean's good Wishes for his succeeding Dr. *Ward*, desires his Authority to say so.

That the Gentlemen-certifying have, to the best of their Remembrance and Recollection, believed Things *thus* to have pass'd in this Conversation, the Doctor shall not dispute: But, surely, the Manner of applying to several of these Gentlemen on the Part of the Dean, did not carry the *most*
fair

fair and candid Appearance; as the Manner in which Three of the Certificates are drawn clearly indicate, that Three Gentlemen, out of Six, had seen what the other Three had certified; whereas, certainly, the *most fair Way* had been for each Gentleman to have put down what *he himself had recollected on the Subject*.

The Doctor will not suspect that the Gentlemen thus applied to were any way influenced or misled by so *unfair a Practice*: But yet the very great *Haste and Expedition*, with which the Dean's Agent posted away to arrive *first* at a certain Gentleman's, at least, shews that *this Agent, or his Employers*, did not think it a Matter of Indifference to have his Inquiry *first made*.

However, these Gentlemen were not the WHOLE of the Company then present, but there were Two more, who, though they underwent a *most formidable Examination* at the Deanery, conducted in the Presence of a learned Counsel, yet neither of these Gentlemen understood Things in the *same Way*, nor chose to give *their Names* to this Certificate. One of these
Gentle-

Gentlemen was pleased to acquaint the Doctor, That he did understand the Dean to deny his having made the Doctor a Promise of *some Place of the Dean's*; but how, or of what Nature, he could not pretend to say: So easily may the Names of Places or Patents not thoroughly be understood by Gentlemen not conversant with these Matters; tho' common Sense will naturally distinguish betwixt the *Propriety* of the Dean's *denying* a Promise of *what was, or what was not, his to bestow*. The Certificate of the other Gentleman will speak for itself.

I Was at the Sessions Dinner, referred to in a LETTER addressed to the Reverend the Dean of York; when, to the best of my Remembrance, the Dean appealed to the Company; and (seeming to address himself chiefly to Sir Edmund Anderson) said, That Dr. Topham having taxed him with making him a Promise of *some Place*, he took that Opportunity to declare he had never made him any such Promise: But, as I was a Stranger to the Occasion of the Dispute, I can't recollect with Certainty, at this Distance of Time, (being now upwards of six Years) what Place or Patent
was

was the Subject of the Dispute ; but, from the Tenor of the Discourse, I then apprehended the Dispute regarded something in the Dean's Gift, as I could not naturally suppose the Doctor could ask, or the Dean would promise, what was not in his Gift.

York, Dec. 30, }
1758.

A. RICARD.

What passed at this Sessions Dinner would not, (as it has before been declared in the *LETTER addressed to the Dean*) no more than the Occasion thereof, have recurred to the Doctor's Memory ; but for the very *coarse Language and scandalous Appellations* lately bestowed on the Doctor by the Dean : APPELLATIONS that this Paper shall not be stained with, tho' they were what the Dean was pleased to say he should repeat in *all Companies, and wherever he met the Doctor* ; which Matters becoming, amongst other Things, one of the Topics of public Conversation, and this at the Time of a controverted Election and Poll for a Person to represent this City in Parliament, and when Numbers of Gentlemen were present from all Parts of the County, the Reader is left to judge whether or no the Dean could, with any

Ap-

Appearance of Candour and Sincerity, be said to *expect or wish*, that these Matters should really be confined within the Walls of this City!

Many and various Aspersions had reached the Doctor's Ear, which were all said to derive their Source from the DEANERY: But, as there was not any Person who had been more busy and officious in talking over and canvassing all the various and ill-natured Stories and Reports, which were then spread and propagated with regard to the Doctor, than Mr. *Newton*, a Surgeon of this Place; and who, after telling them, at least, once more to a Friend of the Doctor's, was then pleased to mention them, as what it was proper the Doctor should be acquainted with, and defend himself against, if he was able so to do.

This Attack was *too strong*, and *too direct*, to be overlook'd, especially as it was accompanied with an Insinuation that was capable of conveying something extremely severe, if passed over in Silence: This made the Doctor desire to see Mr. *Newton* in the Presence of the Gentleman, to whom

whom he had voluntarily given an Account of such a Number of Facts, all said to be done by the Doctor; and all, if true, materially affecting his Character; and to say ingenuously to Mr. *Newton*, that, as to several of them, he must really look upon Mr. *Newton* as the Author of them, unless he chose to say from whence he had them.

Mr. *Newton* came to the Doctor's House; and very readily, amongst other Things, gave an Account of what, in the LETTER addressed to the Dean, is said to be mentioned to an Acquaintance of his: Yet, as Mr. *Newton* has since thought proper to acknowledge that he then told the Doctor *all this and more*, but to impute the whole to the Terror and Confusion he was then under, the following Certificates from two Gentlemen of undoubted Worth and Probity, (who, if called upon, will attest it on Oath) will set this Matter in a true and proper Light.

York, December 30, 1758.

I Do hereby certify, That about the latter End of last Month, having dined at a Coffee-House where Mr. Isaac Newton al-

B

js

so dined; after Dinner talking about News, Mr. Newton acquainted me with several Things that Dr. Topham was said to have done, which, if true, were very injurious to his Character: Amongst others, that the Dean of York had told him, that Dr. Topham had pretended he (the Dean) had made him a Promise of a Patent in his Gift, which he never did promise him; and upon Mr. Newton's having taken the Liberty to ask the Dean if he was sure it was so, had received for Answer, that he was quite sure of it: And that what Engagements soever he had made Dr. Topham, they were only General, in Return to an Application made to him by one of the Doctor's Friends,

*As the Relations Mr. Newton had voluntarily made to me, set Dr. Topham in a Light which I had not seen him in before; and Mr. Newton having at the same Time told me, he had acquainted me therewith as a Friend or Well-wisher to the Doctor, I thought it right to acquaint Dr. Topham, that Afternoon, with what I had heard, which I accordingly did. And the Doctor telling me, he had received the like Accounts from other People, desired Mr. Newton might be sent for whilst I was present; and
further*

further saying, That as the Reports were false, he should look upon Mr. Newton as the Author; and have him punished in the King's Bench, if he would not acquaint him from whence he had received the injurious Representations that he had been concerned in spreading: And as Mr. Newton might not perhaps be easy to meet with, it being then almost Night, I thought it would be the readiest and best Way for me to go myself, and endeavour to find him; which I did, and acquainted him with what the Doctor had said.

Mr. Newton then went with me to the Doctor's House, where the Doctor calmly desiring he would repeat to him those Things he had reported about him, and tell him from whence he had received them, Mr. Newton told the Doctor the very same Things he had done before to me at the Coffee-House; and was so far from being in Confusion, that he asked the Doctor a great many Questions tending to explain the Matters that were then talked of; and desired to read, himself, several Papers, which the Doctor shewed him, which Mr. Newton accordingly did.

Afterwards, Mr Garenquieres coming into the Room, the Doctor asked Mr. Newton again, in Mr. Garenquieres's Hearing, Whether he was quite certain the Dean had told him, That he had not promised him his Patent? Mr. Newton, that third Time, declared, that the Dean had told him, that he had never made Dr. Topham any particular Promise of any Thing in his Gift or Power; and that it was a Rule with him not to promise any Thing untill it became vacant.

And I hereby further certify, That I had never seen nor heard of any Letter from the Dean to Dr. Topham, relating to the above-mentioned Promise, untill after the Interviews herein before mentioned.

JO. STUDHOLME.

*S*ometime in the latter End of November last, I was at Dr. Topham's, along with Mr. Newton, when the Doctor repeated the following Question, viz. *Whether he ever heard the Dean deny his having made the Doctor any Promise?*

His Answer was, that the Dean had declared to him, That he had never made Dr. Topham any particular Promise of any Thing

Thing in his Gift or Power ; *and that it was a Rule with him, never to promise any Thing, untill it became vacant ; and from the Doctor's Behaviour to Mr. Newton, in resolving the Questions then put, I am far from thinking Mr. Newton was in the least intimidated at that Interview with the Doctor.*

THEO. GARENCIERES.

It is said in the ANSWER, That Mr. Newton's Ignorance of the Subject in Dispute (meaning, it is supposed, *of the Nature and Difference of the Patents*) must plead his Excuse : But though the Words, *the Patent in the Dean's Gift*, are pretty plain and intelligible ; yet upon his taking the Liberty to ask the Dean, if he was sure it was so, received for Answer, That he was quite sure of it ; and that what Engagements soever the Dean was under to Dr. Topham, they were *only general*, in consequence of an Application made to the Dean by one of Dr. Topham's Friends.

This last Assertion was delivered in very plain and clear, as well as positive, Terms, without mixing, or ringing any Changes upon Patents ; and what, without paying
any

any Compliment to Mr. *Newton's* Sense or Capacity, *he could not but understand.*

The first Time Mr. *Newton* gave this Account was at a *Coffee-House*, in common *Conversation*, and *before* there could be the least Pretence for saying he was under any *Terror*; the *same Account* he repeats at the Doctor's, without the least *apparent Concern*; and when another Gentleman joins the Company, Mr. *Newton* tells his Story, for the *third Time*, in the *same Manner*: And then adds, That the Dean likewise said, *It was a RULE with him NEVER to promise any Thing till it became vacant.*

In one Part of the ANSWER it was insinuated, That the Dean's Language to his Friends, in speaking of the Patent in *his Gift*, was to say, that he had *once* made Dr. *Topham* a Promise of it: But unluckily, in the very second Page of the ANSWER, and at the *very Time* when he was giving Dr. *Braithwait* an Account why he could not oblige him in giving him this Patent, if Dr. *Ward* should resign it, the Dean's Language *then* was not that Dr. *Topham* had a Promise of this Patent,
which

which did not leave him at Liberty to oblige Dr. *Braithwait*; but it was as Mr. NEWTON *exactly has it*, the GENERAL PROMISE made to Dr. *Topham's* Friend.

The Doctor *has heard, and is inclined to believe*, that Mr. *Newton* may have had *his Terrors*, and may have been put into *Fear and Confusion*; but the Doctor can most solemnly aver, That this never happened to Mr. *Newton* at *his House*: And as to the Piece of Bravery, which perhaps Mr. *Newton* might intend to put on, when he came the *second Time* to the Doctor's House, all the Doctor can say to it, is, That if such were really Mr. *Newton's* Intentions, the Force of Truth would not suffer him to carry them into Execution; but these AFTER-THOUGHTS are entirely at the Dean's *Service*, for which they seem, with great Readiness and good Nature, to be calculated; probably with a View of having buried in Oblivion a Piece of *Dis-service* he had very undesignedly done the Dean, in mentioning, thus publickly, a *Denial*, which was not communicated to him as any *Secret*.

It

It is to be hoped, Mr. Dean, That, as you profess such *durable and lasting Attachments* to your Friends, Mr. *Newton* will not lose your Friendship *by fixing this Denial upon you*; for the Public and He will now observe, whether you have been more fortunate in the Conduct of a Matter, not only *in your own Hands*, but which was to come from thence with every Aid and Embellishment, that such ready and faithful Advisers and Assistants as yours could give it.

But here, Mr. Dean, the Doctor must return you *his Acknowledgements* for the Service you have done him, tho' attended with some Trouble, in causing him to look over *his former Correspondence with you and others* on these Subjects; which has recalled to his *Recollection and Remembrance* several Facts, which the Distance of Time, and the little Concern he gave himself *for some Years after this*, about the subject Matter of them, had occasioned *to escape his Memory*; but some of which, perhaps, you may hereafter wish had been buried in UTTER OBLIVION: For little at that Time did the Doctor *imagine* you would
have

have either *denied* your giving him a *Promise* of the Patent, in *your own Gift*, or of *your Vote and Interest* in another.

That a Promise was made to the Doctor of the *former*, and *not performed*, is manifest to all : And, with your Leave, Mr. Dean, we will now proceed to examine this *much-laboured*, this *strongly-urged*, Excuse, “ That you had, in *Effect*, satisfied
“ your Promise, by giving, if not the Pa-
“ tent, at least, the Profits of it, to the
“ Doctor’s Friend, in Consequence of his
“ Request.”

It is very true that Dr. *Braithwait* did apply to Dr *Topham*, about his giving up the Promise of your Patent, to which he was disposed to *consent*, and a Resignation from Dr. *Ward* was *then in Agitation* ; But immediately upon the *Heels* of this Request, Dr. *Braithwait* came on with *another*, to have also given up to him *another Promise* of the Officialty of the Arch-deaconry of *Cleveland*, of which Dr. *Sterne* had been pleased to make a Promise to Dr. *Topham*.

This naturally produced some further Consideration, both of *this and the former*
C Request;

Request; but to take Things in the Order of Time in which they are stated in the ANSWER, it is truly said, by a Letter, dated *York, April 18, 1748*, that the Doctor there tells you, "That if you have "not any other Objection, he will readily "give up *what Interest* arises to him in "these Jurisdictions, from your Friendship and Regard."

By this Letter, it is said in the ANSWER, That the Dean looked upon himself to be *clearly and fully at Liberty*, tho' he then did not use it, to make Dr. *Braithwait* a Promise. If this was so, give me Leave, Mr. Dean, to ask you how you came, EIGHT MONTHS *after this*, on the 7th of *January following*, to write thus to Dr. *Topham*?

"Dr. *Ward* will hardly come to *York* "before I leave it; and, when I see you in "Town, I will tell you more of my Mind "as to Dr. B. He came to see me upon "my coming to *York*, and we have met "two or three Times since; but *not a* "Word said of the RESIGNATION."

Then

Then comes the *memorable Letter* of the 30th of *January*, when, it seems, that Dr. *Braithwait* had mentioned the *Resignation*. But you acquaint him, That Dr. *Topham* had a Promise of your Jurisdictions of *Pickering* and *Pocklington*; which Letter of yours was answered by the Doctor on the 4th of *February*, 1748: Part of which Letter is published in the ANSWER, the Purport of which was a *Request to leave Things in the State they then were*, till the *new Proposal* from Dr. *Braithwait*, about the Officialty of *Cleveland* was considered, and fixed in *one Way or another*.

How unlucky, alas! that neither you, nor any of your Advisers, should happen to recollect, that *April* preceded *January* in the Year 1748, as we did not then reckon by the *New Style*!

But you will now, Mr. Dean, see, That Dr *Topham* did not say of Dr. *Ward* what he did not chuse to say to him, who had more than once been kindly pleased to wish, That if Dr. *Topham* was the *Survivor*, he might succeed him in his *several Employments*. Dr. *Topham* therefore, as well as Dr. *Sterne*, wrote to Dr. *Ward* on

the Subject of Dr. *Braithwait's second Application*; and proposed to come into *both his Requests*, on CONDITION of Dr. *Ward's resigning likewise* the Patent of the Dean and Chapter.

This Letter was answered by Mr. *Ward*, which as it fully clears up this Matter, the Doctor flatters himself that Gentleman will pardon him for making Use of a *short Extract* therefrom, which is dated *March 25, 1749*.

“ My Father being *entirely ignorant* of
 “ Dr. *Sterne's ENGAGEMENTS* to you, he
 “ gave me Leave to intimate to him, as
 “ from *myself*, That I believed he might
 “ be prevailed upon to resign the Offi-
 “ cialty for *Cleveland*, in his Favour, if he
 “ could persuade Dr. *Sterne* to grant him
 “ a new Patent for his Life; and *you know*
 “ *what Answer he received*.

“ *My Father's Design* is to GIVE *him all*
 “ *the Profits* of what HE HOLDS under the
 “ DEANERY; but to *pay him* for doing
 “ the Business in *Cleveland*, and to *reserve*
 “ the rest of the Profits to himself. As HIS

EN-

" ENDEAVOURS to serve Dr. *Braithwait*
 " have met with *very bad Success*, and are
 " likely to bring *more Trouble* upon him
 " than he was aware of, he *chuses* to
 " have Things REMAIN in their PRESENT
 " STATE, and will concern himself no fur-
 " ther about them. He sends his best Com-
 " pliments to yourself and Dr. *Sterne*; and
 " I am, &c."

ROBT. WARD.

" P. S. Please to *shew* this Letter to Dr.
 " *Sterne*, and to *favour* me with a Line
 " or two."

Dr. *Braithwait*, after this, continued still
 as *pressing as ever* about this Patent; and
 tho' he was clearly, by Dr. *Ward's* Kind-
 ness, THEN in Possession of the Profits of
 the Patent, was yet desirous of *securing*
the Patent itself; nay, though in a dying
 Condition, he pressed earnestly Dr. *Toph-*
ham to name this again to the Dean (which
 the Doctor accordingly did in his Letter
 dated the 20th of *May*, 1750;) Dr. *Braith-*
wait assuring Dr. *Topham*, that Dr. *Ward*
 would be prevailed with to sign a *Resigna-*
tion, which he absolutely refused to do.

The

The Profits, it has already been observ'd, Dr. *Braithwait* had been long in Possession of; but it was the Patent or Appointment he wanted to *secure*, which required then no more than to be engrossed on a *Treble-Sixpenny Stamp*; and if the Dean and Chapter were to confirm what the Dean had HIMSELF granted: Nay, if this was likewise to be confirmed by the Archbishop (tho' in no Shape or Degree any *Patron* here, as he is where an Archdeacon grants an Office) yet still the whole Expence would fall *under seven Pounds*; which shews that this could not be Dr. *Braithwait*'s TRUE REASON for not taking a Patent or Appointment, he was *so very desirous to try to secure*: But this Matter might, as to the *supposed Expence*, have been *fully cleared up, by examining* what Patents or Appointments, if any, were registered in the Dean and Chapter's Office: But though these are *public Instruments, registered in a public Office*, yet the present Register was pleased to refuse the permitting such a Search to be made, *unless Leave was first obtained* from the Dean and Chapter.—The Reason is obvious; for if, on such Search, it should have turned out that these were only *unconfirm'd Patents or*
Ap-

Appointments, as the Doctor has been told these are, (tho' the Fact he can't vouch) then the Printer would have a *small Error* to correct in the *next Edition* of the ANSWER, and to put down *Ten Shillings* instead of *Ten Pounds*.

The *true Reason* on which the *whole Transaction* turned, now comes out; for the Public will easily discover, that the real Reason for every Thing *remaining in the same State*, with regard to this Patent, was Dr. Ward's UNWILLINGNESS to *interfere* with the *Engagement* of Dr. Topham's Friends, *when he came to be acquainted with them*: But that you, Mr. Dean, *promising* Dr. Topham, and *under an Engagement*, as it is admitted in the ANSWER, to *satisfy* this Promise, either to the Doctor in his own Person, or in that of his Friend, *never performed this to Either, but very conscientiously* gave away the FIRST and ONLY TURN you ever had in this Patent, to the Gentleman who now holds it.

We will believe, Mr. Dean, that you *intended kindly*, that Dr. Topham *intended kindly*, to Dr. Braithwait; but still, on
both

both Sides, *nothing* went further than *Intention*; no Promise was satisfied, no Debt could be discharged, because Dr. *Ward chose to keep Possession* of his Patent; for I am afraid, Mr. Dean, that neither you or the Doctor must *pretend to claim* the least Merit from Dr. *Ward's ALLOTMENT* of the Fees of the Office; this being *meerly* an ACT of PRIVATE FAVOUR and BENE-FICENCE from *him* to Dr. *Braithwait*, and which he exercised, *at least, as long before, as he did after*, this same Resignation had been first talked of.

And here, Mr. Dean, the Doctor desires to return a Compliment paid him in the ANSWER; and will do you the Justice to *believe*, that all these *fine-spun Arguments*, about paying your Debt to the Doctor in the *Person* of his Friend, (which, after all, turns out *not to be paid to Either*) were the Product of the Persons employed in *compiling the ANSWER*; for when you spoke *your own Sentiments*, and employed a *common Friend* of yours and the Doctor's to deliver a Message to him, about four or five Weeks ago, you was, *during the Conversation*, pleased to say, You would not think of making the Doc-
tor

tor *the Offer of so small a Patent when it became vacant*, as the Doctor was then in Possession of *such great Places*. This the Doctor did request to have *in Writing*, and the Gentleman desired to do this in *your Presence*: But, after he had *seen you*, he was then pleased to excuse himself from complying with this Request.

Every one who is acquainted with these Affairs, can fully testify, That Matters of Jurisdiction, let the Profits attending them be ever so small, are always considered in an honorary View; and, as such, have always been solicited by even the *Deans of the Arches*, and some of the greatest and richest Men, of the Doctor's Profession, in the Province of *Canterbury*: But tho' the ANSWERERS have (probably with a *good-natured View* of pointing out the Number of the Doctor's Friends) *enumerated his several Preferments*; yet you, Mr. Dean, on the 30th of *January*, 1748, not only was acquainted with the Doctor's being then MASTER of the FACULTIES—OFFICIAL to the Archdeacon of *York*—OFFICIAL to the Archdeacon of the *East-Riding*—OFFICIAL to the Chancellor of the Church of *York*—and OFFICIAL to

D several

several of the Prebendaries: But, notwithstanding *all this Knowledge* of the Doctor's Places, was *then* pleased to *blame* the Doctor for being *too hasty and explicit in saying he should be ready*, IF Dr. Ward would RESIGN, to consent to serve Dr. Braithwait.

We will now, Mr. Dean, examine what is said in the ANSWER, as to the COMMISSARYSHIP of the DEAN and CHAPTER, in which it is evident that you was only ONE of the Patrons in Conjunction with THIRTY other People; and therefore the Doctor will leave it to COMMON SENSE to determine, how far it is, in the least Degree, probable, that either the Doctor should ask, or you ever have Occasion to exculpate yourself from making, so extraordinary a Promise: But, in Truth, if any Thing is proved in this *same doubtful* ANSWER, it is, most certainly, that the Patent of the Dean and Chapter is *likewise yours to give*; but this in a *Way*, and by a *Measure*, as *contrary* to the *Constitution* of the Church, as it is *contrary and abhorrent to every fair and honest Practice*.

Every

Every Prebendary, at his Admission to his Preferment, has assigned to him *Stallum in Choro, et Vocem in Capitulo*: The Stall in the Cathedral may perhaps remain; but, as to the VOICE in Chapter, the World is very plainly given to understand, that no Prebendary shall use this, unless he means to do it as *certain Persons* may wish; which is, in effect, taking away the *Right and Privilege* of the Voice itself; as the not having a Voice, or the not being allowed to give that Voice, at a FAIR and OPEN ELECTION, amounts just to the *same Thing*.

Had not every Prebendary, Mr. Dean, who, either *on his own Account*, or at the Request of a Friend, chose to be present at the Election of a Commissary to the Dean and Chapter, *both as good a Vote and good a Right to give that Vote*, as the Dean himself? But so destitute of *all Sense of Shame* were the COMPILERS of the ANSWER, that, in the Face of the World, they have ventured to treat the Doctor's Desire to have a fair and open Election as *Deceit and Force*; and to make it a Matter of *Crime* in the Doctor, that he should endeavour to carry, or in the favourite

Term of the ANSWER, *force* his Election by a MAJORITY of Votes !

But this very new and uncommon Kind of *Force and Deceit*, (two Words of *very opposite Sense and Meaning*) it seems, Mr. Dean, you determined to hinder *at all Events* ; and came over, on Purpose, it is said, with a *full Resolution* to have this Election *at a Time, and only at a Time*, when you was SURE of *your Point*, by having Friends enough present to pass Things in the Shape you wished.

If this is giving your Picture in its *proper Colours*, and drawing it quite up to a *true, full, and perfect Resemblance*, it may be very JUST : But it is what FEW will *admire*. Nor is it such a Picture as the Doctor or his Friends will chuse to sit for, tho' they had it fully in their Power to have prevented you and your Friends from putting in Practice such *unfair Methods* of Election, by others as *equally unfair* ; for, as there was then a GENERAL PROXY from you, authorizing the Residentiaries *jointly or severally to represent* you in Chapter ; and the Doctor's Friends, as *Senior Residentiaries, had, by the Statutes*

tutes of the Church, a Power of calling a Chapter, this might easily have been done; and, by bringing in a select Body of Friends, rendered the Vote of a single Opponent or two quite useless; according to the Principles of the ANSWER, an honest Way of securing a Point, and carrying, by a Few, what would never be carried by a clear Majority of the Body Corporate, upon a free and open Election!

If it should be said the Doctor *then* thought himself SURE of the Dean, he very readily owns *he did so*; and will, now, give SOME, tho' not *at present* ALL, HIS REASONS for thinking so.

In the Letter of the Doctor's of the 29th of June, 1751, referred to by the Dean, the Doctor expressly says, "He pleases himself with thinking that you *wish* him to *succeed* Dr. Ward; but desires *first* to have your Authority to say so." Whether to *your Friends* or the *Doctor's*, the Reader must judge.

The Doctor hopes this was the *Language* of one Gentleman to another, *who will never want to be told*, where it is clearly the Case,
 " Sir,

“ Sir, I have *your Promise* for this :” Ay, but say the Compilers of the ANSWER, this will *convince* any one, That the Doctor had not *before* any Authority to say so ; yet, unluckily, in a *parallell Case*, and where *now* the Doctor is admitted to have had a Promise, he uses the same *Gentleman-like Expressions*, “ What Interest arises to me in “ these Jurisdictions from your Friendship “ and Regard.” If this Promise had not been admitted, would not the *same Reasoners*, on the *same Principles*, have argued thus : “ Is it not clear that the Doctor here “ allows, That, so far from having any “ *direct Promise*, he had not even any *general Assurance* of the Dean’s Intention to “ serve him, the whole turning upon a *mere “ supposed Friendship and Regard ?*”

The Dean’s Answer to this Letter, it is said, was to this Effect : “ I have, by this “ Post, sent my Proxy for confirming your “ Patent of the Archbishop’s Commissary, “ of which I wish you Joy ; and am, &c.

But, Mr. Dean, was your Answer *only* to this Effect ? And did not you *further*, in this Letter, account for your not writing *more fully*, by reason of its being so busy

busy a Day at *Cambridge*, (COMMENCEMENT TUESDAY) where you was *then* taking your Doctor's Degree? And did you not *further*, in Answer to *that Part* of the Doctor's Letter, soliciting your coming over to *York* to assist at passing this Patent, *also* say in a POSTSCRIPT, "*I hope very soon to see you at York:*" A Matter in which the Doctor could not have any material Interest or Concern, unless as conveying an INTIMATION that your coming over to *York* was in Consequence of *his Request*, and in order to *serve him*; which, you well knew, what had formerly passed betwixt you and the Doctor must induce him to think.

Some civil Mention is made in the ANSWER of the Doctor's WIT: But all he can discover is, that he has been the SUBJECT of that SPECIES of it, which prevailed *some Years ago*, and was *then* distinguished by the Name of BITING; which *here* seems, with great Address, to have been exercised upon the Doctor, *who very fully gave into it*; and, very innocently, construed this Postscript *entirely to his own Advantage*; never in the least *suspecting*, That THIS MEANING *also* was concealed
under

under the Words of it, “ *The Doctor shall
“ very soon see me at York,—but it shall be
“ to give my Vote and Interest against him!*”

The following is a *literal and exact* Copy of the Dean's ORIGINAL LETTER.

Dear Sir, Cambridge, July 2, 1751.

TH^O: *I am this Day fully imployd
here, I would not omitt sending my
Proxy to confirm the Patent which the
Archbishop has granted to you of the Com-
missaryship. I wish you Joye of it, and am,*

Sir, Your obedient Servt.

I hope very soon to J. FOUNTAYNE.
see you at York.

This is ONE of the SPECIMENS of *that*
Candour in which Things are represented
in the ANSWER, and of saying *only* what
the COMPILERS of it *chose* to do, and
omitting the rest: But this is far from
being the most material OMISSION, as the
Reader will now see.

The two PROMISES said to be given
by the Dean to the Doctor, and stated as
such

such in *two several Places* of the LETTER addressed to the Dean, are, "That the
 " Doctor might rely on receiving from
 " you the Patent in your own Gift as
 " Dean of *York*, and of having your VOTE
 " and INTEREST with regard to the Pa-
 " tent in the Disposition of the Dean and
 " Chapter." AGAIN; in the same Let-
 ter it is said, "You had a VOTE, and we
 " will suppose some little Interest, in the
 " Disposition of a Patent of likewise small
 " Value: But which we will omit saying
 " any Thing more about, as I am sure you
 " shall not from me have any Occasion to
 " say I am willing to *insinuate* you should
 " or could fairly promise for *other People*."

The Doctor's Letter of the 29th of June, 1751, already referred to, could not be calculated to answer a Purpose AT THAT TIME totally unexpected; and yet this Letter points fully to the very Promise here stated of the Dean's VOTE AND INTEREST. — "YOU are requested to come over to be present at passing the Patent, and your AUTHORITY is desired to say you wish'd Dr. Topham to succeed Dr. Ward."

F

But

But though this *last Promise* is so clearly and explicitly stated, (for now, at least, there can be no *mistaking or ringing Changes* upon Patents) yet NO WHERE THRO' THE WHOLE ANSWER is it once DENIED That you did make Dr. Topham a Promise of your Vote and Interest, as to *this Patent* : But what, in the LETTER addressed to the Dean, you was *more than once* told, you was *not charged with*, or *could promise*, being the Patent of the Dean and Chapter, This is *over and over again* DENIED, in the ANSWER, to be promised to the Doctor.

This must appear *highly astonishing* to all our Readers, as a Matter which could not *possibly escape* the Notice of the COMPILERS of the ANSWER; but the REASONS for so *prudent and cautious a Behaviour* the Doctor is not a Stranger to, nor perhaps will this remain *long a SECRET* to the PUBLIC ! However, the Dean's Promise of his own Patent, is admitted; and, in the ANSWER, is said to be given in Consequence of the Dean's GENERAL PROMISE to the Doctor's Friend; and, upon the Fact thus stated in the ANSWER, let all our Readers judge, if it can be PROBABLE, I had almost said POSSIBLE, that when the
two

two Patents of the Dean, and of the Dean and Chapter, were then in *one and the same Hand*, and must naturally be *vacated together*, That this Application from the Doctor's Friend, should have so much Weight and Influence with you, as to draw from you a *Promise* of your own Patent; and yet not be sufficient to engage *likewise* a Promise from you, of your Vote and Interest in the other, where you was only one of the Patrons, in Conjunction with thirty other People! Is there a Friend of yours, who will venture to say, That you had not, at this Time, Regard and Friendship enough for the Doctor, to promise him to give, and to lend your helping Hand to give, him two Patents not *then* worth more, if so much, as twenty-seven or twenty-eight Pounds a Year?

AGAIN: If Dr. *Topham* had really been without such Promises, what could, in common Sense and Understanding, induce him to propose to Dr. *Ward* to give up, in Dr. *Braithwait's* Favour, *two acknowledged Promises*, ONE from you and ONE from Dr. *Sterne*, of your two Patents, on Condition that Dr. *Ward* would also resign and vacate the Patent of the Dean and

E 2

Chapter?

Chapter? Which yet, according to what the COMPILERS of the ANSWER would insinuate, was not to be productive of any Advantage to the Doctor; but he was to give up *two promised Patents*, only to vacate *another* for the Dean and Chapter to give away; and in the future Disposition of which, you had not promised him *your Vote and Interest!*

The Doctor's Letter, which is dated the 4th of *February*, 1748, is printed in the ANSWER, and several of your Answers, or what are called the *Purport* of your Answers, are likewise printed. — In this Letter you are acquainted with what was proposed to Dr. *Ward*, and your Answer to this Letter of the Doctor's, must have disclosed how the Matter of your Promise really stood, as to your Vote and good Wishes, in the Disposition of the Patent in the Gift of the Dean and Chapter; but we must allow, That the COMPILERS of the ANSWER *had very good and sufficient Reasons*, for not disclosing either the *whole*, or the *Purport* of what Answer you really gave, to this Letter of the Doctor's.

But

But it is said in the ANSWER, " That, in
 " the Year 1749, the Doctor threw your
 " Favours at your Head." What those Fa-
 vours were, or what the Doctor meant or
 intended to reject, have not been *explained*.
 The Favours about the two Patents they
 could not be, as it is allowed in the AN-
 SWER, that till *May*, 1750, you could not,
 from your former Engagements, think of
 serving Dr. *Braithwait*: But, alas! so *un-*
fortunately are the Facts put together in
 this famous ANSWER, That you are *first*
 said to be *fully released* by a Letter of the
 Doctor's of a *Promise*, which *eight Months*
after this, you acknowledged to be *subsist-*
ing in a Letter of your own; or, if this
 Resource fails, then in Consequence of
 serving Dr. *Braithwait* upon Dr. *Ward's*
supposed Resignation, which in the same
 Manner comes out to be, *the not doing*
him any Service at all; for it is now evi-
 dent, beyond all POSSIBILITY of Doubt,
 That when Dr. *Ward* came to be ac-
 quainted with all Facts and Circumstances,
he resolved not to resign, persisted always
in that Resolution, and, SURVIVING Dr.
Braithwait, died in Possession of his Patent.

The

The Doctor, Mr. Dean, still pleases himself with thinking, That his Fortune and Situation in Life, really place him above the ANXIETIES of *Hope* and *Fear*, *Desire* and *Dependence*: But yet, Mr. Dean, *Promises given*, and *Honour pledged*, are and ever will be considered as SACRED THINGS by all good Men: And as to the DISTINCTION of not *bestowing* on your ENEMY what you had *promised* to your FRIEND, (*the last weak Refuge and Resource* of the COMPILERS of the ANSWER) the Doctor will not, cannot imagine, That SUCH OBSERVATIONS were really made by any Clergyman of the Church of England; as these are the DISTINCTIONS and REFINEMENTS which no Good Men will ever carry into PRACTICE, and are LESSONS AND INSTRUCTIONS of too dangerous a Tendency, to be put into the Mouths of the Bad!

But after saying so much to the Public about these Facts, there seems to be owing to it the SANCTION of an OATH, which the Doctor here gives, and takes it for granted, That if *all or any of the Facts*, here deposed to by the Doctor, can be
safely

safely contradicted by you, upon Oath, you will give this Satisfaction to the PUBLIC.

FRANCIS TOPHAM, of the City of York, Doctor of Laws, voluntarily maketh Oath, and saith, That some Years ago, and in some little Time after the present Reverend John Fountayne, Clerk, then and now Dean of York, came to reside at the Deanery in York, (to whom the said Doctor had come strongly recommended by one of his Friends) the said Dean did, in a Conversation he had with the Doctor, mention to him the Recommendation he had received; and then said he understood there were only two small Patents, in which he had any Interest or Concern as Dean of York, both then in the Possession of Dr. Ward; and the Dean, at that Time, further said to Dr. Topham, That he might rely or depend, if he ever came to have any Share or Concern in giving these away, That the said Doctor should receive from him the Patent in his Gift as Dean of York, and should also have his Vote and Interest in the Disposition of the other Patent, in the Gift of the Dean and Chapter, or Words to the like Purpose and Effect: And the said Doctor further saith,
That

That some Time in the Month of July, or in the Beginning of August, in the Year of our Lord 1751, the said Doctor had another Conversation with the said Dean of York, in relation to these Patents then lately vacated by the said Dr. Ward's Death; when the said Dean talked much of the said Doctor's great Places, and desired the Doctor not to press him with his former Promises and Engagements: But the Doctor said, He was sorry Things were then so untowardly circumstanced, but that it was then so publickly understood and believed that he was to succeed the said Dr. Ward in his Employments, that he, the said Dr. Topham, could not then think himself at Liberty to give up the Promises and Engagements of the said Dean: But that the Doctor must leave him, the Dean, to act in these Matters as he thought it became him to do, or Words to the like Purpose and Effect: And soon after these Things had thus passed in this Conversation, the Doctor left the Dean.

FRANCIS TOPHAM.

Sworn at the City of York, this 13th

Day of January, 1759, before me

JOHN ALLANSON, Mayor.

As

AS to the THIRD POINT, the Date of the DOCTOR'S CIVIL LETTER to you and UNCIVIL LETTER of you, the Date appearing on the Face of the original Letter makes not less in the Doctor's Favour; and the Reason assigned for the *Change of Language* betwixt the two Periods of Time, of the 12th of *August* and the 24th or 25th of *October*, is not controverted. You have, Mr. Dean, as it is said in the ANSWER, not charged the Letters to be dated the *same Day*; but every one here recollects *what was the STORY of the Day* upon this Subject; and even now it is insinuated, *Because the Extract* from the Doctor's Letter to Miss *Gilbert* is not dated, that this, *perhaps*, may happen to be the Case with the Original; but to cut short all *further Insinuations* of this Kind, these *three Lines*, from that Lady's Answer, will shew how this Matter really stood.

Bishopthorpe, Wednesday,

SIR,

Oct. 25, 1758.

“ I HAVE JUST NOW received your Letter, and cannot delay to give the
“ *only Answer* to it in *my Power*.”

F

Ha-

Having thus gone through the CAPITAL FACTS really in Dispute betwixt you and the Doctor, I come now, Mr. Dean, to your *very severe Charge* of the Doctor's acting a DOUBLE and INSIDIOUS PART, in the Disputes that happened betwixt the late Archbishop and you in the Year 1749, by which it is said, That the Doctor has been so *considerable a Gainer*; and therefore no wonder that he should be *now inclinable to find out fresh Occasions of Dispute.*

The *more black* any Charge is, the more clearly it ought to be supported; but this bare and positive Assertion, thrown out thus crudely by the COMPILERS of the ANSWER, and standing unsupported by *any Proof*, the Doctor might very properly, if you only was concern'd, pass over, or at least only contradict by the Testimonies given *in your own Letters of this very Year.* In *one of them* the Doctor is mentioned as a *Lover of Peace*: In *another*, you say, *You do not doubt of his friendly Disposition to the Members of this Church*: But, in Truth, after some of the Principles laid down by the COMPILERS of the ANSWER, the Publick might wish to receive some
less

less suspicious and more ample Satisfaction on this Point: This has forced the Doctor to recur to a Testimony, which he produces *with Unwillingness, with infinite Reluctance*; but which came from ONE OF THE CLEAREST HEADS AND BEST HEARTS that ever *presided* over the two Churches of *Canterbury* and *York*; and which cruel Necessity alone, and the absolutely necessary Measures of *Self-defence*, could have brought to publick View; but here it will be seen whether the Doctor's Fault was not going *rather too far in COMPOSING Differences than in FOMENTING them!*

Dukestreet, Jan. 13, 1749.

Dear Sir,

“ I Had yours Yesterday, with the inclosed Paper; and think the Church of *York* *very happy* in having so good a Friend, from his Abilities and sedate Temper, *both willing and well qualified* to COMPOSE *little Differences arising among the Members of it.*

“ I cannot sufficiently commend Dr. *W——y's* Command of Temper, under a *very great Insult*, in behaving so properly

“ perly as he did behave; and, *as my In-*
 “ *clination, equally almost with my Sense*
 “ *of Duty, disposes me always to study*
 “ *such Things as belong 'unto PEACE, I*
 “ shall freely consent to Dr. W——y's
 “ closing with the Terms of Agreement
 “ proposed, with the additional Clause I
 “ have made, and small Variation of ma-
 “ king the Vergers the Messengers. The
 “ Reason of the first speaks itself, and is
 “ founded in this, That if any one, besides
 “ the Chancellor, has a Right to appoint
 “ the Preachers for the vacant Stalls, it
 “ must belong either to the Archbishop,
 “ or Dean and Chapter; and cannot, in
 “ any Sense that I can conceive, either *by*
 “ *Canon or Statute*, belong to the *Dean*
 “ *alone*. My Reason for the other Addi-
 “ tion, is to prevent Mistakes by *common*
 “ *Servants*; and because, in all the
 “ Churches I know, 'tis the Practice of
 “ one of the Vergers to acquaint the Dean,
 “ or Senior in Residence, over Night with
 “ the Preacher's Name, when neither
 “ Dean nor Prebendary take his own
 “ Turn; and the Reason of this is well
 “ founded in the Canon, to prevent strange
 “ Preachers intruding into the Pulpit.
 “ And, after assigning these Reasons, give
 “ me

“ me Leave, with my Service to the
 “ Dean, to ask only this one Question;
 “ Upon what Law, Canon, Statute, or
 “ Custom, he could found his Right to
 “ lock up the Pulpit against any Preben-
 “ dary of the Church wherein he presides,
 “ against one of the Dignitaries residing
 “ according to the Statutes; and, by those
 “ very Statutes, expressly enjoined to take
 “ Care of the Turns of Preaching; and
 “ this in Favour of an inferior Sing-Song
 “ Officer of the Church, who has nothing
 “ to do with the Pulpit, but by mere Fa-
 “ vour and Indulgence? The Prebendaries
 “ are expressly enjoined by Canon, to
 “ preach in the Cathedrals they belong
 “ to; they are vested, by their Prebends,
 “ in a Right to the Pulpit *equally with the*
 “ *Dean*; and I was always told, That the
 “ Custom was, when a Prebendary came
 “ to *York*, for any Deputy-Precacher to
 “ give Way to him, tho’ it was not that
 “ Prebendary’s Turn; and I found it so by
 “ Experience, without sending to any one
 “ whatever, or any other Notice than
 “ sending to one of the Vergers, that I
 “ designed it the next Day. But in this
 “ Instance, a Verger has express Orders
 “ to lock up the Pulpit against every one
 what

“ whatever, except Vicar *W—ll—n.*
 “ Had it been against any strange Preacher
 “ or Deputy, Want of Notice over Night
 “ would have had the Colour of Excuse,
 “ tho’ none in Reality, if the Right of
 “ appointing be in the Chancellor: For,
 “ by the same Right, he is to judge of the
 “ the Person, tho’ Decency and Propriety
 “ may require proper Notice to be taken
 “ of the Dean or senior Residentiary; and
 “ I think it is right to have it so.

“ I hope, good Dr. *Topham*, that the
 “ Dean will see this Affair *in its true Light*,
 “ and thank Dr. *W—y* for the great
 “ good Temper and good Manners he has
 “ shewed him upon the Occasion; and for
 “ allowing this Affair, wherein some Bi-
 “ shops might have thought their own
 “ Right invaded, or at least aimed at, to
 “ *pass over into Oblivion*; that *some Ac-*
 “ *knowledge* may be due to his, and

Your affectionate Friend

And Servant,

MATT. EBOR.

Dukestreet, Jan. 20, 17 $\frac{4}{5}$.

Dear Sir,

“ I Have nothing more to trouble you
 “ withall, 'till I see you, but *my Thanks*
 “ *for your Endeavours to keep us all*
 “ FRIENDS, and best Wishes of a good
 “ Journey to you and Mrs. *Topham* to
 “ *London*, where your Company will be
 “ always acceptable, when you can give
 “ it, to

Your very affectionate,

And faithful Servant,

MATT. EBOR.

That the Doctor acted as his Grace's
 COUNSEL in the Year 1749, in the Dispute
 that arose about filling up a RESIDENTI-
 ARY's Place in the Church of *York*, and
 in what further Differences this occasion'd,
 is publickly known; and *it is now as*
much so, That the Doctor has acted the
 Part of a *good and well-meaning Lawyer*,
 who will always *first* try to have Matters
 settled in an AMICABLE WAY, before he
 advises his Client to proceed to EXTRE-
 MITIES: But where any Matter is to be
 canvassed with WARM and VIOLENT MEN,
 it is always Provocation enough with them,
 (*manage*

(manage the Contest never so candidly) that you appeared on the OPPOSITE SIDE.— How far the Truth of this Remark has been verified in the present Case, let the Reader judge, who has *here seen* what was the Doctor's Conduct *in these Affairs in the Year 1749*, and has then been told by the COMPILERS of the ANSWER, That the Doctor's Behaviour *in these Disputes at once, Mr. Dean, cancelled all your Promises to the Doctor !*

With regard to the crude, undistinguishing, Assertion, thrown out in the ANSWER, concerning the DEAN and CHAPTER, it really scarce merits *any Notice* : For as the Doctor has now resided upwards of *twenty Years* in this DIOCESE, and liv'd in a Course of uninterrupted Harmony and Friendship with Numbers of these Gentlemen, and pleases himself with thinking, That he has had it in his Power to do good Offices to several of them : The Doctor will only say to this Charge, That he does *seriously believe, Mr. Dean, that four Parts out of five of this very respectable Body will not give Credit to this Assertion upon YOUR WORD.*

In

In Matters of LAW, Mr. Dean, it has already appeared how apt you are to form *wrong Judgments* of the *Conduct* of those you may happen to *dislike*; and to Persons of either a *confused Head*, or *bad Heart*, Instances of *Integrity* and *Fidelity* in a Lawyer may appear the *Reverse* of what they really are; and may be construed as a Want of *Sincerity*, at the very Time when the *greatest* is displayed. Dr. *Gilbert* did certainly complain to the Doctor of the dilatory CAPITULAR FORMS and CEREMONIES of the Church of *York*, with regard to INSTALLATIONS; and the Doctor as certainly said to Dr. *Gilbert*, That they appeared to him in *the same Light*. The Doctor also most perfectly remembers, That Mr. Chancellor *Herring* did offer to recede *from these*; but as Dr. *Gilbert* proposed to stay a Week at *York*, the Doctor did observe, that the *old Way* was the *safest*, as steering clear of all Objections; but as this Matter might hereafter become, *in some future Case, a Matter of Moment*, when the Doctor returned to his own House, he set himself to examine what Cases occurred in the Law Books on the Subject of INDUCTION and INSTALLATION; and from this received full Con-

G
viction

viſtion that a DELAY, according to theſe Forms in giving INSTALLATION, which might be of ill Conſequence to an ARCH-BISHOP'S PATRONAGE, was not in the leaſt neceſſary, and that an Installation immediately given was equally ſafe and valid in Law.

However, had the Doctor, after this, on the View of any later Caſe or better eſtabliſhed Authority, ſeen any Reaſon to revert to what he had thus cursorily ſaid in the Preſence of Dr. Herring, Dr. Topham would have ſaid ſo without the leaſt Scruple; for the LAWYER, who will act and ſpeak otherwiſe, may indeed ſhew a FALSE PRIDE in not receding from an OPINION he has once given, but can neither be a ſafe Lawyer, or, in ſhort, an honeſt Man: As againſt CONVICTION, to ſupport this falſe Pride, he betrays thoſe Clients, who rely on his Integrity as well as Skill; and, in Return for their unhappy miſtaken Confidence, with open Eyes, leads thoſe he has undertaken to adviſe, into what he then knows to be Error and Miſtake.

As to the BATTERSEA LEASES, the Doctor, Mr. Dean, receives with Pleaſure

sure your Account of this Matter; and hopes *these* will not be the *only Instances* in which you will, for the future, pursue the Directions laid down in a *plain Act of Parliament*, which *regulates and fixes the Method* of granting Leases, where the Body Corporate have any *Interest or Concern*.

You have got so much into *the Way*. Mr. Dean, of *exculpating yourself where you are not charged*, that the Doctor is not surprized at the SOLEMNITY with which you acquit yourself of having any Share in what happened at BISHOPTHORPE. But could you, Mr. Dean, with *equal Truth*, have *exculpated* yourself from taking so warmly the FIRST and MOST READY PART in those VARIOUS TALES and STORIES, which were then so very industriously propagated with regard to the Doctor: If you could have refrained from MUCH EVIL SPEAKING concerning him; and ALL MENTION of Patents, and clapping of Promises on *People's Backs*, *had been let alone*, (which surely you, of all Mankind, ought not to have named) THEN, Mr. Dean, you had gone off without this FULL DETECTION of the BREACH of your WORD. Those fine Lessons of Mo-

RALITY had not appeared which have been *disclosed* in the ANSWER ; nor would the Public have discovered how greatly you *shine* in that Species of WIT, which consists in BITING, and playing the WAG with those, who may unhappily have taken you for THEIR FRIEND !

P. S. The following Certificate, as it will tend to give some Satisfaction about the *Value of the Patents* mentioned in this Letter, and some other Facts, was thought proper to be inserted in an APPENDIX. Any Gentleman is at Liberty to see all the Letters, and the Extracts from the original Letters referred to in THIS REPLY, as they stand in those Letters from which these Extracts have been transcribed.

APPEN-

A P P E N D I X.

These are to certifie, That having acted as Assistant to the late Mr. Costobadie, and in the Capacity of Deputy-Register to the Commissary of the Dean, and to the Commissary of the Dean and Chapter of York, from the Year 1745 to the Year 1753, that during all these several Years, till the Month of June, 1751, the late worthy Dr. Ward held both these Offices, by two several Patents, and continued to do so to the Time of his Death, without making ANY RESIGNATION of either of the said Patents; and that immediately upon Dr. Ward's Death, which happened about the Time aforesaid, the Rev. Mr. Laurence Sterne was appointed to succeed Dr. Ward, as Commissary of the Dean of York, and the Worshipful Mr. Stables to succeed Dr. Ward as Commissary of the said Dean and Chapter: That during all these several Years, whilst Dr. Ward lived, the Fees arising from these two several Offices were accounted for to Dr. Ward, and were paid as he directed; and that all the PROCESSES, and other INSTRUMENTS made out in both these Offices, were wrote
in

in Dr. Ward's Name, as Judge of the same; and that the late Dr. Braithwait was never mentioned in the Acts of Court, or other Judicial Proceedings, in either of the said Courts, in any other Light than of SURROGATE or SUBSTITUTE to the said Dr. Ward; and that, on an AVERAGE, one Year with another, the Fees or Profits of the Patent of Commissary to the Dean of York, were about six or seven Pounds a Year, and that of Commissary to the Dean and Chapter, about TWENTY POUNDS a Year. And I do hereby further certify, That it was so generally understood and believed, at the Time of Dr. Ward's Death, That Dr. Topham was to succeed Dr. Ward, in the several Places and Patents that were vacated by HIS DEATH, that to the best of my Remembrance and Belief, in translating the Patent of the Office of Commissary to the Dean and Chapter, out of Latin into English, I made the foul Draught of this Patent with Dr. Topham's Name in every Place, of it, where Dr. Ward's formerly stood. I do witness my Hand this twenty-first Day of December, 1758.

JOHN BLANSHARD

